

Senate File 2343 - Reprinted

SENATE FILE 2343
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3147)

(As Amended and Passed by the Senate February 24, 2010)

A BILL FOR

1 An Act relating to the appointment of judicial officers and
2 senior judges.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **602.2301 Judicial officer**
2 **appointment — delay.**

3 1. Notwithstanding section 46.12, the chief justice may
4 order the state commissioner of elections to delay, for up to
5 one hundred eighty days for budgetary reasons, the sending of a
6 notification to the proper judicial nominating commission that
7 a vacancy in the supreme court, court of appeals, or district
8 court has occurred or will occur.

9 2. Notwithstanding sections 602.6304, 602.7103B, and
10 633.20B, the chief justice may order any county magistrate
11 appointing commission to delay, for up to one hundred eighty
12 days for budgetary reasons, publicizing the notice of a
13 vacancy for a district associate judgeship, associate juvenile
14 judgeship, or associate probate judgeship.

15 3. Notwithstanding section 602.6403, subsection 3, if a
16 magistrate position is vacant due to a death, resignation,
17 retirement, an increase in the number of positions authorized,
18 or to the removal of a magistrate, the chief justice may order
19 any county magistrate appointing commission to delay, for up to
20 one hundred eighty days for budgetary reasons, the appointment
21 of a magistrate to serve the remainder of an unexpired term.

22 Sec. 2. NEW SECTION. **602.6113 Apportionment of certain**
23 **judicial officers — substantial disparity.**

24 Notwithstanding section 602.6201, 602.6301, 602.6304,
25 602.7103B, or 633.20B, if a vacancy occurs in the office of a
26 district judge, district associate judge, associate juvenile
27 judge, or associate probate judge, and the chief justice of
28 the supreme court makes a finding that a substantial disparity
29 exists in the allocation of such judgeships and judicial
30 workload between judicial election districts, the chief
31 justice may apportion the vacant office from the judicial
32 election district where the vacancy occurs to another judicial
33 election district based upon the substantial disparity finding.
34 However, such a judgeship shall not be apportioned pursuant
35 to this section unless a majority of the judicial council

1 approves the apportionment. This section does not apply to a
2 district associate judge office authorized by section 602.6302
3 or 602.6307.

4 Sec. 3. Section 602.6305, subsections 2 and 3, Code 2009,
5 are amended to read as follows:

6 2. A person does not qualify for appointment to the office
7 of district associate judge unless the person is at the time
8 of appointment a resident of the ~~county~~ judicial election
9 district in which the vacancy exists, licensed to practice law
10 in Iowa, and will be able, measured by the person's age at the
11 time of appointment, to complete the initial term of office
12 prior to reaching age seventy-two. An applicant for district
13 associate judge shall file a certified application form, to
14 be provided by the supreme court, with the chairperson of the
15 county magistrate appointing commission.

16 3. A district associate judge must be a resident of a
17 ~~county~~ the judicial election district in which the office is
18 held during the entire term of office. A district associate
19 judge shall serve within the judicial district in which
20 appointed, as directed by the chief judge, and is subject to
21 reassignment under section 602.6108.

22 Sec. 4. Section 602.6404, subsection 1, Code Supplement
23 2009, is amended to read as follows:

24 1. A magistrate shall be a resident of the county of
25 appointment or a resident of a county contiguous to the
26 county of appointment during the magistrate's term of office.
27 However, a resident of the county of appointment shall be
28 the preferred applicant for appointment over a resident of a
29 county contiguous to the county of appointment. A magistrate
30 shall serve within the judicial district in which appointed,
31 as directed by the chief judge, provided that the chief
32 judge may assign a magistrate to hold court outside of the
33 county of ~~the magistrate's residence~~ appointment for the
34 orderly administration of justice. A magistrate is subject to
35 reassignment under section 602.6108.

1 Sec. 5. Section 602.9203, subsection 1, Code 2009, is
2 amended to read as follows:

3 1. A supreme court judge, court of appeals judge, district
4 judge, district associate judge, full-time associate juvenile
5 judge, or full-time associate probate judge, who qualifies
6 under subsection 2 may become a senior judge by filing with
7 the clerk of the supreme court a written election in the form
8 specified by the ~~court administrator~~ supreme court. The
9 election shall be filed within six months of the date of
10 retirement.

11 Sec. 6. Section 602.9203, subsection 2, paragraph c, Code
12 2009, is amended to read as follows:

13 c. Agrees in writing on a form prescribed by the ~~court~~
14 ~~administrator~~ supreme court to be available as long as the
15 judicial officer is a senior judge to perform judicial duties
16 as assigned by the supreme court for an aggregate period of
17 thirteen weeks out of each successive twelve-month period.

18 Sec. 7. Section 602.9203, subsection 5, paragraph b, Code
19 2009, is amended to read as follows:

20 b. A senior judge may be reappointed to ~~an additional~~
21 ~~two-year~~ a one-year term upon attaining seventy-eight years
22 of age and to one succeeding one-year term, at the discretion
23 of the supreme court, if the judicial officer meets the
24 requirements of subsection 2.

25 Sec. 8. REPEAL. Sections 602.2301 and 602.6113, as enacted
26 in this Act, are repealed July 1, 2013.